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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,570	04/26/2001	Yevgeniy Eugene Shteyn	US018052	1793

7590

04/28/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR, NY 10510-8001

EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/844,570

Applicant(s)

SHTEYN, YEVGENIY EUGENE

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1> Applicant's remarks have been received. Claims 1-8 are presented for further examination.

Response to Arguments

2> Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3> The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4> Claims 1-3 and 5-8 are rejected under 35 U.S.C § 102(e) as being unpatentable over Hoshen et al, U.S Patent No. 2002|0154892 ["Hoshen"].

5> As to claim 1, Hoshen discloses a method of enabling multiple end-users to receive content information, the method comprising:

supplying the content information to a hub [0012 where : Hoshen's central unit is

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analogous to the claimed hub]; and

using a peer-to-peer network of respective devices residing at respective ones of the end-users and connected to the hub for distributed storage of the content information on the network under control of the hub [0012, 0055].

6> As to claim 2, Hoshen discloses the method of claim 1, comprising remotely controlling a specific one of the devices for supplying the stored content information to at least another one of the devices [0059, 0064, 0165].

7> As to claim 3, Hoshen discloses the method of claim 1 comprising a service for supplying an electronic content guide representing the content information available on the network [0065].

8> As to claim 5, Hoshen discloses controlling the devices [0165, 0172, 0173].

9> As to claim 6, Hoshen discloses the method of claim 1, comprising providing a UI to the end-users for selecting from the content information [0065, 0164].

10> As to claim 7, Hoshen discloses a device for use in a method of enabling multiple end-users to receive content information, wherein:

the method comprises the steps of claim 1 [see the rejection of claim 1 above]; and

the device comprises:

a storage for storing at least part of the content information [0059]; and
a controller for providing, to a party different from any of the end-users, remote control of the device for supplying the stored content information to the network [0068, 0071, 0102, 0103].

11> As to claim 8, Hoshen discloses a consumer electronics device comprising a storage for storing content information from a network and for supplying the content information to the network, and comprising a control module for remote control of the storing and supplying [0059, 0068, 0071, 0102, 0103].

12> Claims 1, 2, 3, 5, 7 and 8 are rejected under 35 U.S.C § 102(b) as being unpatentable over Delaney et al, European Patent Application 0 993 163 ["Delaney"].

13> Delaney discloses a method of enabling multiple end-users to receive content information, the method comprising:

supplying the content information to a hub [0031]; and
using a peer-to-peer network of respective devices residing at respective ones of the end-users and connected to the hub for distributed storage of the content information on the network under control of the hub [0029, 0033].

14> As to claim 2, Delaney discloses the method of claim 1, comprising remotely controlling a specific one of the devices for supplying the stored content information to at least another one of the devices [0001, 0031, 0032].

15> As to claim 3, Delaney discloses the method of claim 1 comprising a service for supplying an electronic content guide representing the content information available on the network [0011 : list of files].

16> As to claim 5, Delaney discloses the method of claim 1 comprising controlling the devices [0036].

17> As to claim 7, Delaney discloses a device for use in a method of enabling multiple end-users to receive content information, wherein:

the method comprises the steps of claim 1 [see the rejection of claim 1 above]; and

the device comprises:

a storage for storing at least part of the content information [0029]; and

a controller for providing, to a party different from any of the end-users, remote control of the device for supplying the stored content information to the network [0031 where : the peers are in control of the external server when initially transmitting the data files].

18> As to claim 8, Delaney discloses a consumer electronics device comprising a storage for storing content information from a network and for supplying the content information to

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the network, and comprising a control module for remote control of the storing and supplying [0029, 0031].

Claim Rejections - 35 USC § 103

19> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20> Claim 4 is rejected under 35 U.S.C § 103(a) as being unpatentable over Hoshen, in view of in view of Iwata, U.S Patent No. 6,385,201.

21> Hoshen does disclose the use of multiple peer networks [Figure 2] but does not specifically disclose the method using a plurality of hubs, each respective one thereof connected to a respective one of a number of peer-to-peer networks.

22> Iwata teaches a method using a plurality of hubs, each respective one thereof connected to a respective one of a number of peer-to-peer networks [Figure 13 and column 1 <line 64> to column 2 <line 13> where: the peer group leader node is equivalent to a hub]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented Iwata's system of peer groups into Hoshen's peer-to-peer file sharing system to more accurately synchronize parameters and information between

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Hoshen's multiple peer networks as well as establish more efficient routing methods between peer networks [column 2 <lines 41-52>].

23> Claim 4 is rejected under 35 U.S.C § 103(a) as being unpatentable over Delaney, in view of in view of Iwata.

24> Delaney does disclose the use of multiple external servers (hubs) [0031] but does not specifically disclose the method using the plurality of hubs connected to a respective one of a number of peer-to-peer networks.

25> Iwata teaches a method using a plurality of hubs, each respective one thereof connected to a respective one of a number of peer-to-peer networks [Figure 13 and column 1 <line 64> to column 2 <line 13> where: the peer group leader node is equivalent to a hub]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented Iwata's system of peer groups into Delaney's peer-to-peer file sharing system to more accurately synchronize parameters and information between Delaney's multiple peer networks as well as establish more efficient routing methods between peer networks [column 2 <lines 41-52>].

26> Claim 6 is rejected under 35 U.S.C § 103(a) as being unpatentable over Delaney, in view of Hoshen.

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27> Delaney does not explicitly disclose the method comprising providing a UI to the end-users for selecting from the content information.

28> Hoshen comprising providing a UI to the end-users for selecting from the content information [0065, 0164]. UIs are well known in the art for providing a visual means of identifying information. It would have been obvious to one of ordinary skill in the art to incorporate a UI as taught by Hoshen into Delaney's system to enable clients with such a means to use their web browsers to more quickly identify necessary data files from other peers.

Conclusion

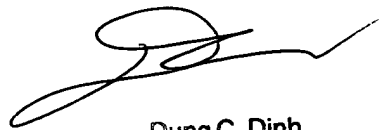
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942. The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC

A handwritten signature in black ink, appearing to read 'D. Dinh', with a stylized flourish extending to the right.

Dung C. Dinh
Primary Examiner